

REMARKS

Claims 21-33 are pending, and claims 21-33 stand rejected. By virtue of this response, claims 21, 23, and 25 have been amended, and no claims have been cancelled or added. Accordingly, claims 21-33 are currently under consideration.

Cancellation and amendment of certain claims is not to be construed as a dedication or abandonment of any unclaimed subject matter by Applicants, and moreover Applicants have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants explicitly reserve the right to pursue prosecution of any subject matter in continuation and/or divisional applications.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter as indicated on Page 2, paragraph 2 of the Office Action.

Applicants have amended paragraph [0089] to recite: "In one aspect of the present invention, each hard disk drive 20 may emulate a tape cartridge having a predetermined storage capacity, where each hard disk drive 20 defines an electrical data storage capacity at least equal to the predetermined storage capacity of the tape cartridge being emulated." (Emphasis added). The amendment is clearly supported by the original disclosure, for example, by the claims as originally filed and paragraph [0089] itself, which describes storing BOT and EOT markers within the hard disk drive. Accordingly, no new matter has been added and Applicants request the objection be withdrawn.

Drawings

The drawings stand objected to under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. In particular, with respect to claim 23, the "double linked list

heuristic including pointers to a last file marker and a next file marker,” must be shown or the features canceled from the claim.

Applicants have amended claim 23 to recite “a double linked list heuristic including pointers to a latest file marker and a next file marker.” The amendment is fully supported and described in the specification at least in paragraph [0090]. Accordingly, Applicants request the objection be withdrawn.

Claim Rejections under 35 USC §103

A. Claims 21 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hobbs et al. (U.S. 5,684,671; hereinafter “Hobbs”) in view of Yates et al. (U.S. 6,496,791; hereinafter “Yates ’791”).

Applicants have amended claim 21 to recite a hard disk drive data archive system including “a hot pluggable multi-drive magazine comprising a housing and a plurality of hard disk drives installed within the housing, wherein the hot-pluggable multi-drive magazine is hot pluggable within the hard disk drive data archive system.” The amendment to claim 21 is supported in the original disclosure and no new matter has been added.

Applicants submit that the recited features are not disclosed or suggested by the combination of Hobbs and Yates. In particular, the references, alone or in combination, fail to disclose or suggest a hard disk drive data archive system for emulating electrically a tape library including “a hot pluggable multi-drive magazine ... wherein the hot-pluggable multi-drive magazine is hot pluggable with the hard disk drive data archive system,” as recited by claim 21. The Examiner states that Hobbs discloses, *inter alia*, “a hot pluggable multi-drive magazine (i.e., disk drive rack 50 of Fig. 12; See col. 6, lines 44-47) comprising a housing (i.e., drive cage 56 of Fig. 13) and a plurality of hard disk drives (i.e., disk drives 57 in Fig. 13) installed within said housing...” (See, page 3 of the Office Action). Hobbs discloses a plurality of hot swappable disk drives 57, but does not disclose or suggest a hot pluggable multi-drive magazine as recited in claim 21. In particular,

Hobbs discloses in Figure 13 and column 6, lines 36-49, that “disk drives 57 preferably are of the plug-and-play type and preferably are hot-swappable,” but Hobbs fails to disclose a multi-drive magazine that is itself hot-swappable with a hard disk drive data archive system. Further, even if rack 50 is taken as a “multi-drive magazine,” Hobbs fails to disclose that rack 50 is hot pluggable with a data archive system as recited by claim 21. Accordingly, Hobbs, alone or in combination with Yates ‘791, fails to disclose or suggest the recited features of claim 21, and the rejection should be withdrawn.

Accordingly, for at least these reasons, Applicants request that the rejection be withdrawn and claims 21 and 22 allowed.

B. Claims 23 and 24

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hobbs [US 5,684,671 A1] in view of Yates ‘791 [US 6,496,791 B1] as applied to claims 21 and 22 above, and further in view of Yates et al. [US 6,049,848 A; cited by the Applicants; hereinafter “Yates ‘848”] and Taylor [US 6,467,025 B1].

Claims 23 and 24 depend from claim 21 and are allowable over Hobbs and Yates ‘791 for at least similar reasons as discussed above. The addition of Yates ‘848 and Taylor do not cure the deficiencies of Hobbs and Yates ‘791, nor are they alleged to in the Office Action.

C. Claims 25 and 26

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hobbs [US 5,684,671 A] in view of Baca et al. [US 5,638,347 A; hereinafter “Baca”], Blackborow et al. [US 5,253,129 A; cited by the Applicant; hereinafter “Blackborow”], and Rinard [US 5,894,376 A].

Applicants have amended claim 25 to recite a method for archiving user data within an active data processing system including transferring user data to a hard disk archive array including “a hot pluggable multi-drive magazine, the hot-pluggable multi-drive magazine being hot pluggable

within the hard disk archive array.” The amendment to claim 25 is supported in the original disclosure and no new matter has been added.

As similarly discussed above, Hobbs fails to disclose or suggest a “hot pluggable multi-drive magazine, the hot-pluggable multi-drive magazine being hot pluggable with the hard disk archive array,” as recited by claim 25. For example, Hobbs discloses single hot swappable disk drives, but does not disclose or suggest a hot pluggable multi-drive magazine, which is itself hot-pluggable within a data archive system. Accordingly, the combination of references does not disclose or suggest the features of claim 25 and the rejection should be withdrawn.

D. Claims 27 and 28

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hobbs [US 5,684,671 A] in view of Baca [US 5,638,347 A], Blackborow [US 5,253,129A], and Rinard [US 5,894,376 A] as applied to claims 25 and 26 above, and further in view of Tuttle [US 6,281,685 B1].

Claims 27 and 28 depend from claim 25 and are allowable over Hobbs, Baca, Blackborow, and Rinard for at least similar reasons as discussed above. The addition of Tuttle does not cure the deficiencies of the references as applied to claim 25, nor are they alleged to in the Office Action.

E. Claim 29

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hobbs [US 5,684,671 A] in view of Baca [US 5,638,347 A], Blackborow [US 5,253,129 A], Rinard [US 5,894,376 A] and Tuttle [US 6,281,685 B1] as applied to claims 27 and 28 above, and further in view of Yates ‘791 [US 6,496,791 B1].

Claim 29 depends from claim 25 and is allowable over Hobbs, Baca, Blackborow, Rinard, Tuttle, and Yates ‘791 for at least similar reasons as discussed above. The addition of Yates ‘791

does not cure the deficiencies of the references as applied to claim 25, nor are they alleged to in the Office Action.

F. Claims 30 and 31

Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hobbs [US 5,684,671 A] in view of Baca [US 5,638,347 A], Blackborow [US 5,253,129 A], and Rinard [US 5,894,376 A] as applied to claims 25 and 26 above, and further in view of Yates '791 [US 6,496,791 B1].

Claims 30 and 31 depend from claim 25 and are allowable over Hobbs, Baca, Blackborow, Rinard, Tuttle, and Yates '791 for at least similar reasons as discussed above. The addition of Yates '791 does not cure the deficiencies of the references as applied to claim 25, nor are they alleged to in the Office Action.

G. Claims 32 and 33

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hobbs [US 5,684,671 A] in view of Baca [US 5,638,347 A], Blackborow [US 5,253,129 A], Rinard [US 5,894,376 A] and Yates '791 [US 6,496,791 B1] as applied to claims 30 and 31 above, and further in view of Yates '848 [US 6,049,848 A] and Taylor [US 6,467,025 B1].

Claims 32 and 33 depend from claim 25 and are allowable over Hobbs, Baca, Blackborow, Rinard, Tuttle, Yates '791, and Taylor for at least similar reasons as discussed above. The addition of Taylor does not cure the deficiencies of the references as applied to claim 25, nor are they alleged to in the Office Action.

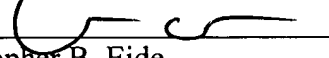
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 249212014800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 
Christopher B. Eide
Registration No.: 48,375
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5720